

This record is a partial extract of the original cable. The full text of the original cable is not available.

211147Z Jul 05

UNCLAS SECTION 01 OF 02 YEREVAN 001307

SIPDIS

SENSITIVE

DEPT FOR EUR/CACEN, EUR/ACE, EB/IPC
PLS PASS TO USTR KUHLMANN, KLEIN, USPTO JURBAN

E.O. 12958: N/A

TAGS: [ECON](#) [KIPR](#) [AM](#)

SUBJECT: GOAM VETS NEW COPYRIGHT LAW

(U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED. PLEASE
PROTECT ACCORDINGLY.

SUMMARY

1. (SBU) The Head of Armenia's Intellectual Property Agency, Armen Azizyan, has presented a proposed new copyright law to give the public and the international community a chance to comment before he submits the law to the National Assembly during the 2005 fall session. Azizyan noted (correctly) that although the draft law is WTO-compliant, as is the current law, Armenia's real problem is its weak enforcement of Intellectual Property Rights (IPR). Curiously, the new draft law does not address the biggest legal impediment to IPR protection in Armenia: police will still not be allowed to enforce IPR without a complaint from the aggrieved party. End Summary.

DRAFT LAW SUBMITTED FOR PUBLIC CONSIDERATION

2. (SBU) In a series of seminars at the end of June, Armenia's IPR Agency presented for public comment a new draft law on copyright. In his opening remarks, the Agency's head Armen Azizyan said that the new law responds to comments from ArmAuthor, a non-profit organization representing Armenian authors (whose written works are often copied illegally in Armenia), Armenia's many software firms, and the police. Azizyan told us that he hoped to make Armenia's Copyright law clearer, more consistent, and to increase civil liability for violating copyright or related rights. He added that while the WTO (and USTR) deemed the current copyright law WTO compliant, Armenia did not properly vet the law among the various stakeholders because the government was forced to pass it in an eleventh-hour run-up to its WTO accession.

DESPITE LAW, PIRACY REMAINS COMMONPLACE

3. (SBU) The IPR Agency admits that the piracy of films, music and software is ubiquitous in Armenia, the provisions of the Copyright Code notwithstanding. General understanding of IPR, even among lawyers and judges, is weak. Although the government has formed a special IPR enforcement unit in the police, so far they have taken action only to protect trademarks, prosecuting producers of counterfeit Armenian products upon complaint of their local manufacturers. Last year, one local radio station failed to convince the GOAM to sanction another local station for recording and re-broadcasting the first station's original content. When it comes to foreign-produced IPR, the single greatest impediment to enforcement is the fact that police officers have no right to prosecute IPR violations without a complaint, filed in Armenia, from the aggrieved party. Without the right to act without a formal complaint and without local collective representation of authors and artists, there is no effective protection of international IPR in Armenia.

COMMENT: GOAM MUST TAKE STEPS ON ENFORCEMENT

(SBU) Since the bulk of pirated goods in Armenia have international content, the requirement that the aggrieved party formally complain before the police investigate or prosecute piracy is a subterfuge by which the GOAM chooses to ignore IPR for the most part. Some in the GOAM, including the Minister of Justice, argue that ex officio IPR enforcement will only create more corruption in the police force. Nevertheless, if Armenia relies solely on civil remedies to enforce IPR, it will remain impossible, as it is today, to find licensed software, films or music in Armenia,

and movie theatres that buy licensed films will have to compete with television stations that air unlicensed versions. We continue to support regulation and enforcement of IPR in Armenia through USAID and INL programs, and we will continue to press on the GOAM to pass legislation that will make Armenia's IPR regime as effective as possible. We intend to urge the GOAM that it should use this new law to fill this gap in its enforcement regime, and that even though Armenia is now in the WTO, we expect the GOAM to keep taking steps towards effective protection of IPR. End Comment.

14. (U) Point of contact at Post is Anush Petrosyan, email: petrosyana@state.gov. We would be happy to send an English language copy of the proposed law to interested departments or agencies upon request.
GODFREY